

Regulated Activity decision making flowchart notes

Adults

If an applicant is not in Regulated Activity but works with adults who may be vulnerable then it is possible they are still eligible for an enhanced DBS check but without a check of the barred lists. It is the expectation of the Charity Commission, major Christian denominations and many insurance companies that you apply for a DBS check where the applicant's role is legally eligible for one.

The worker may still be able to have an enhanced check (without a check of the barred list) if they are working weekly, or 4 or more days in a 30 day period, or overnight with those who are receiving health or social care and they are giving care, supervision, treatment, therapy, advocacy, transportation, teaching, advice, guidance and/or assistance in a group aimed at adults who need help because of their age, illness, disability or live in certain types of accommodation such as a prison, remand centre, residential care home etc. Workers employed in a care home who are not in Regulated Activity will be eligible for an Enhanced check.

The worker will be able to have an enhanced check (without a check of the barred list) if they are a Trustee of a charity that works with adults at risk. In addition someone who is supervising/managing workers who are eligible for an Enhanced DBS check will be eligible for a DBS check at the same level of those they are supervising/managing).

Children

If you have worked through the Regulated Activity Flowchart and determined that an applicant is not in regulated activity but they supervise, teach, train, instruct and/or care for children, or provide advice/guidance on well-being or drive a vehicle only for children on more than one occasion then they are eligible for an enhanced DBS check but without a check of the barred lists. It is the expectation of the Charity Commission, major Christian denominations and many insurance companies that you apply for a DBS check where the applicant's role is legally eligible for one.

There is eligibility for an enhanced check (WITH a check of the barred lists) where a person lives in a household of someone who is working in regulated activity with children and who carries out some/all work from home. (*This only applies if the member of the household has opportunity for contact with the children- they are not in regulated activity but the barred listed can still be checked. This is an exception to the rule.)

A trustee of a charity that works with children is eligible for an Enhanced DBS check. In addition someone who is supervising/managing workers who are eligible for an Enhanced DBS check will be eligible for a DBS check at the same level of those they are supervising/managing.

Definitions

Health Care is defined as health care provided by a health care professional (meaning a person regulated by bodies like General Medical Council; Nursing & Midwifery council for example). Health care means all forms of health care provided for adults for physical or mental health needs and includes palliative care.

Psychotherapy and counselling are included when provided by or referred by a health care professional or a social services placement/referral. Services not provided by a health care professional are not covered by Regulated Activity i.e. life coaching; pastoral counselling etc; although if these are performed at least once a week, or four or more days in a 30 day period, or overnight they could be eligible for an enhanced DBS check without a check of the barred list/s. Please contact thirtyone:eight for specific advice.

Personal Care (Adults) is defined as those who provide or prompt an adult with physical assistance with eating; drinking; toileting; washing or bathing; dressing; oral care or care of skin, hair or nails due to the adult's age, illness or disability, these would all be in Regulated Activity (except in circumstances where a hairdresser or a person cuts the hair of an adult).

Personal Care (Children) is defined as physical help with eating, drinking, toileting, washing, bathing or dressing for reasons of age, illness or disability as is prompting, supervision or training when a child is otherwise unable to decide for themselves in relation to any of these personal care activities

Frequently / Intensively for the purpose of Regulated Activity only 'frequently' is once a week or more; 'intensively' is four or more days in a 30 day period or overnight between the hours of 2 and 6am